

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-46 are pending in this application. Claims 1, 9-24, and 32-46 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 5,732,400 to Mandler et al. (herein "Mandler"). Claims 2-8 and 25-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mandler in view of U.S. Patent Application Publication 2001/0039516 to Bennett et al. (herein "Bennett") and further in view of U.S. Patent Application Publication 2002/0065754 to Lussi.

Addressing the above-noted rejections, those rejections are traversed by the present response.

Applicants respectfully submit the outstanding rejections are not properly considering and are improperly dismissing positively recited claim limitations.

In the previous Office Action independent claims 1 and 24 were amended to clarify that the customer's financial information is stored "in a supplier computer system" based on an off-line transaction "between a customer and a supplier". Those features clearly distinguish over the teachings in Mandler.

Mandler simply does not disclose or suggest generating a database within a supplier computer system that stores financial information based on an off-line transaction between a customer and a supplier that has the supplier computer system. That is, in the claims as currently written a specific supplier that has had an off-line transaction with a customer stores financial information of the customer in the supplier's own computer system based on that off-line transaction. The supplier can then again access that financial information at a later time to determine whether to approve a subsequent on-line purchase.

In contrast to the claims as currently written, Mandler discloses merely being able to access an on-line financial clearinghouse. Mandler makes it clear that the system and method

disclosed therein “provides for enabling on-line transactional services among sellers and buyers *having no previous relationship with each other*” (emphasis added, see the Abstract of Mandler).

In the claimed invention the goal is to allow a previous off-line transaction between a customer and a supplier to provide information that will be useful in determining whether to approve a subsequent on-line purchase. Such a basic operation of the claimed invention is contrary to the teachings of Mandler.

Similar comments as presented above were also presented in the Amendment filed June 15, 2004. In response to such comments the outstanding Office Action maintained the outstanding rejections and essentially ignored the above-noted positively recited claim limitation.

First, in maintaining the outstanding rejection the outstanding Office Action states on page 6:

The Applicant asserts the Mandler reference does not show a system wherein the customer's financial information is stored in a supplier's computer system based on an off-line transaction between a customer and a supplier. It is the Examiner's position that the type of transaction, either off-line or on-line, is merely intended use of the system. In other words, the system would still operate the same whatever type of transaction is used, be it off-line or on-line, and as such no patentable weight is given to the transaction being off-line.

The above-noted basis for the outstanding rejection is not at all understood. Applicants first note that claims 1-23 are directed to “[a] *method* of communicating” (emphasis added). As claims 1-23 are directed to a “method”, it is not at all understood how the Office Action can ignore limitations therein as directed to an intended use. The method claims clearly set forth a method, and what the Office Action disregards as an “intended use” are positive operations in the method. It is clearly improper to disregard such positive method operations as in the basis for the outstanding rejection.

Further, with respect to claims 24-46 directed to a "system", in those claims a customer's financial information is stored in a supplier computer system based on an off-line transaction between a customer and a supplier. That is a positive element that simply can not be ignored as in the basis for the outstanding rejection.

Furthermore, the statement in the outstanding Office Action that "the system would still operate the same whatever type of transaction is used, be it off-line or on-line, and as such no patentable weight is given to the transaction being off-line", is further not understood. That statement clearly cannot apply to method claims 1-23. Thus, the basis for the outstanding rejections of claims 1-23 is clearly improper. Further, with respect to system claims 24-46, the system requires as a positive element storing financial information in the supplier computer system based on an off-line transaction between a customer and a supplier. The system would not in fact operate the same if no such off-line transaction was evaluated as the there would be no information to be stored in the supplier's own computer system in such a case. Thus, the basis for the rejection even with respect to system claims 24-46 is clearly improper.

A further basis for maintaining the outstanding rejection states on page 7 of the Office Action:

Applicant further states that since the Mandler patent discloses a system that "provides for enabling on-line transactional services among sellers and buyers having no previous relationship with each other" that the Mandler system is clearly different from the presently claimed invention. While Mandler may provide for transactions between buyers and sellers having no previous relationship, it still discloses all the elements of the presently claimed invention and can be used with buyers and sellers having previous relationships also. Also, Mandler states, "in corporate-to-corporate transactions between major trading partners, such as two large corporations well-known to each other, the practice of selling party providing credit, trade terms, to the buyer, is firmly embedded in tradition and creates strong relationships between such major trading partners." (Mandler, col. 1, lines 23-28). As such, Mandler anticipates the present invention.

The above-noted basis for maintaining the outstanding rejection is also not at all understood. The cited portion in Mandler at column 1, lines 23-28 is merely directed to the background and is not all directed to the system of Mandler itself. In fact, Mandler indicates that the teachings at column 1, lines 23-28 are directed to an arrangement that “poses problems for the minor trading partner/buyer as well”.¹ Thus, what the basis for the outstanding rejection cites in Mandler at column 1, lines 23-28 is actually background art in Mandler that Mandler discloses as having problems, which the device of Mandler corrects. It is unclear on what basis the outstanding rejection would even cite such teachings as it is not at all relevant to the disclosure of the device of Mandler itself.

In such ways, applicants respectfully submit that clearly each of independent claims 1 and 24 as currently written, and the claims dependent therefrom, distinguish over the teachings of Mandler.

The outstanding rejections now also cites further teachings in Bennett and Lussi, but Applicants respectfully submit that the further reliance on Bennett and Lussi is improper. More particularly, applicants note certain of the dependent claims even further distinguish over the applied art.

For example, several of the dependent claims recite that the customer financial information is “based on a lease”, and further can be “based on a lease of an image forming device”. With respect to such features, the outstanding Office Action asserts Bennett and Lussi “to illustrate that such concepts are well known”. Specifically, with respect to such features in the dependent claims, the outstanding Office Action also states on page 7:

The Applicant has also challenged the Examiner's Official Notice that a lease for an imaging forming device such as a copier and a fax machine are goods that would fall within the purview of the types of goods covered in a standard credit report. The Examiner has cited the Bennett and Lussi patent applications to illustrate that such concepts are well known.

¹ Mandler at column 1, lines 46-47.

That basis for the outstanding rejection is also traversed and is also not clearly understood.

The cited teachings in Bennett and Lussi are not even relevant to the claimed features.

First, the outstanding rejection cites Bennett in paragraph [0016] to disclose utilizing leases. However, applicants note that what Bennett discloses is a computer enabling an individual to enter personal information about a buyer to obtain financing parameters for financing vehicles such as a lease. In that way, what Bennett discloses is being able to determine whether to grant a lease to an individual.

In contrast to the teachings in Bennett, in several of the dependent claims the lease is utilized as part of an off-line transaction that will determine whether to authorize a subsequent on-line transaction. Bennett clearly does not teach or suggest utilizing a lease in such a manner. In fact, Bennett discloses just the opposite as Bennett discloses utilizing information to determine whether to allow a lease.

The teachings in Lussi are also not deemed to be even remotely relevant to any of the claimed subject matter as Lussi also is completely silent as to utilizing information from an off-line transaction such as a lease with respect to whether to authorize a subsequent on-line transaction.

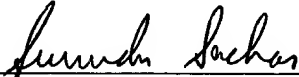
Thus, the dependent claims recite further features neither taught nor suggested by Mandler in view of Bennett and Lussi.

In view of these foregoing comments, applicants respectfully submit that clearly independent claims 1 and 24, and the claims dependent therefrom, patentably distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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